

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

June 26, 2009

N440 - State Mail
Mark Spruance
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: Defendant ID No. 92S00269DI (R-5)
Criminal Action No. 92-01-0382, 0383

Dear Mr. Spruance:

Your fifth Motion for Postconviction Relief was received on June 22, 2009. In same you attacked a conviction going back to December, 1992. In the present Motion, you make three allegations of insufficient evidence as to your robbery conviction.

I incorporate this Court's decision of March 11, 2005 as to the history of this case and the Court's denial of your complaint that the jury did not find that you intentionally attempted to commit robbery in the first degree.

So it is déjà vu all over again in that the present Motion is summarily dismissed as it is procedurally barred under Rule 61(i) as being long past the three years permitted for Motions for Postconviction Relief, a repetitive application, and these matters have been previously adjudicated.

There is nothing in Superior Court Rule 61(i)(5) which would trigger a substantive review of your claims.

Defendant's fifth Motion for Postconviction Relief is denied.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

baj
cc: Prothonotary